



US Army Corps
of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Number: 200675463

Date: June 7, 2007

Comments Due: June 22, 2007

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Ridgway River Development project, which would result in filling approximately 1.424 acres of wetlands adjacent to the Uncompahgre River. As mitigation, the applicant is proposing to develop 1.427 acres of new shrub/scrub wetland and 0.201 acres of new herbaceous emergent wetland and to stabilize approximately 1,500 feet of the Uncompahgre River running through the property. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Ridgway River Development
Mr. Rahn Zaccari
585 Cobble Drive
Montrose, Colorado 81401
(970) 252-8833

AGENT: Mr. Chris Philips
Riverbend Engineering
Post Office Box 2979
Pagosa Springs, Colorado 81147
(970) 264-1195

LOCATION: The project site is located upstream of the Town of Ridgway (the Town) within Sections 16 and 21, Township 45 North, Range 8 West, Ouray County, Colorado (Drawings 1 and 2), and can be seen on the Ridgway and Dallas USGS Topographic Quadrangles. This site is at the old Abbott Gravel Pit.

PROJECT PURPOSE: The applicant is proposing to develop a portion (nine acres) of the 58-acre property as a residential subdivision. This will result in the fill of approximately 1.424 acres of palustrine shrub/scrub and palustrine emergent wetland. In the past decade, the Town has seen a sharp rise in the demand for housing.

The Town has created an urban growth boundary. The project is located within this boundary and as planned would provide 26 single family residential units. The Uncompahgre River through the property is in need of restoration. The applicants see that environmental restoration and subsequent dedication of open space for public access/recreation is in the best interest of the community. Development of the residential portion of the property should provide sufficient

revenue to pay for the cost of the property, infrastructure, engineering and entitlements process and river restoration/wetlands mitigation efforts.

PROJECT DESCRIPTION: The applicant is proposing to construct a residential development on approximately nine acres of the 58-acre parcel and restore/rehabilitate the Uncompahgre River through the property. The property was previously used as a gravel pit and concrete batching plant. The property includes approximately 30 acres of uplands on the west side of the river, 22 acres of river bottom and a 6-acre gravel processing site. Additionally, the applicant proposes approximately 1,500 feet of river restoration and 1.63 acres of riparian area improvement through the Uncompahgre River corridor and dedication of approximately one-half acre of open space.

The attached drawings provide additional project details.

AREA DESCRIPTION: The project site is located just south of the Town in the Uncompahgre River valley. The river runs through the site, flowing from the south to the north. The west side of the site includes approximately 30 acres of uplands, which sit on a geologic terrace of the river, or perhaps on an alluvial fan of sediment from west side source areas. The west side is approximately 6-10 feet above the river terrace areas on the east side. Offsite drainage of west side upland areas crosses the site in one location where a deeply incised channel has formed below the culvert under County Road 23. Surface soils on the west side are clayey loam soils, which support a mix of dryland grass species. There are several locations where cut banks of the river have exposed water seeping from the sideslopes and in these areas wetland-type vegetation is dominant. Mature narrowleaf cottonwood trees on the west side of the site have provided nesting habitat for birds, including a great blue heron rookery.

The terrace on the east side of the site was used as an operations area for the former Abbott Pit gravel mining operation. The site has been mined since the 1950s. Department of the Army permits were obtained for past mining activities under permit numbers 199675199 and 200075429. There are several buildings, various concrete structures for gravel storage/processing and other stored machinery. The ground is highly compacted and there is little vegetation present. No wetlands are present.

The river bottom area is highly disturbed in the southern two-thirds of the site (upstream end) and moderately disturbed in the northern one-third of the site. The instream gravel operation routinely moved the river channel around, created temporary levees and gravel catchment areas, then channelized the low flows around the gravel harvesting area to facilitate gravel removal. Over the course of 30 years of mining, the bed elevation of the river was lowered considerably (10 feet by some accounts).

This channel bed lowering destabilized the river system, causing channel widening and extensive bank erosion on the property and on the adjoining properties upstream. There is no active floodplain left in the river bottom, except for a small area at the northwest end of the site. In the lower one-third of the site, the river has been constrained to the west side with a constructed levee, separating the river channel from a gravel wash wasteway from the processing area.

Instream aquatic habitat conditions are considered poor, due to the constant manipulation of the river with heavy equipment. During field surveys, no fish were observed and only a few macroinvertebrates were found. Terrestrial riparian habitat is virtually non-existent due to

previous land use. The best habitat feature left on the property is associated with the narrowleaf cottonwood trees on the west side of the river.

ALTERNATIVES: The applicant has provided three alternatives.

Alternative 1 is the no action alternative. In this alternative there is no land development and no environmental restoration. No open space for public recreation is dedicated. There are no new impacts at the property, however the impacts from previous land use (instream gravel mining) remain unmitigated. Bank erosion will continue without some form of intervention. Current water quality impacts will continue. There will be no impact to existing wetlands.

Alternative 2 restricts residential development to within the limits of the urban growth boundary and the FEMA floodplain and affects no jurisdictional wetlands. However, there is no environmental restoration proposed within the river bottom area and no open space for public recreation. Bank erosion and current water quality impacts will continue.

Alternative 3 is the applicant's preferred alternative and maximizes land development where it is feasible from a zoning and floodplain management perspective. Approximately 1.4 acres of wetlands are impacted and compensatory mitigation is planned. Environmental restoration of the river corridor through the property (approximately 1,500 feet) is proposed, including construction of 1.628 acres new shrub/scrub and emergent wetlands.

Within the subdivision boundary, 1.424 acres of shrub/scrub and emergent wetlands will be impacted. The applicant will transplant much of the impacted wetland plant material to the on-site mitigation area. The existing river corridor will be restored to a functioning channel with adjacent floodplain and wetlands. This should eliminate existing bank erosion, improve water quality and fish and wildlife habitat.

Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

MITIGATION: The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation.

The applicant has proposed to mitigate the loss of 1.424 acres of wetland within the residential subdivision through construction of 1.427 acres of new scrub/shrub wetland including willow, cottonwood and alder plantings and 0.2 acres of new herbaceous wetland with plantings of sedges and rushes within the river bottom area. Drawing 3 shows the plan/profile views and typical details of this mitigation work. The majority of impacted wetlands have mature stands of willow. The applicant plans to transplant as much of this plant material as possible. The remaining impacted wetlands are sedge dominated meadow type wetlands fed by groundwater seeps. The proposed plan includes re-establishment of woody riparian vegetation along the river banks and a long wetland mitigation area parallel to the river channel on the northwest side of the river. This linear wetland feature will not be subject to regular river hydrology. Instead, the water supply for this wetland will be controlled by a diversion headgate. This will allow for

seasonal changes to the depth of flow through the wetland system, but will prevent moderate flood events from scouring out the plant materials.

The woody vegetation which will be transplanted from the impact areas to the river bottom will be in a medium density matrix with plant materials, primarily willow, supplemented with cottonwood and alder. Bare ground areas will be re-seeded with a native grass seed mix. This vegetation matrix will cover 1.46 acres. A new wetland feature will be created parallel to, but separate from, the active river channel. Obligate wetland species (sedges and rushes) will be planted in a high density matrix and some facultative plant material will be included in the fringe upland areas. Suitable substrate soils with high organic content will be brought in and seeded with obligate species seed. Drawing 4 includes wetland mitigation details.

Reconstruction of the channel, including grade control structures as displayed on Drawing 5 will occur concurrently with the wetland mitigation.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Colorado Department of Health and Environment is required for this project. The applicant will apply for a certification.

The applicant has successfully completed the preliminary plat process through the Ridgway Planning & Zoning Board and through the Town Council.

HISTORIC PROPERTIES: The applicant has contacted the State Historic Preservation Officer (SHPO) regarding the property. There are no known historic buildings on the site. An old railroad grade traverses the site on the west side of the river. No historic artifacts have been found along this alignment. An abandoned water supply ditch crosses the property, paralleling the west bank of the river. It was purportedly used for supplying water to a hydroelectric facility in the Town. The hydroelectric plant is long gone and the ditch has not been used since then. No historic artifacts have been found along this ditch. No comments have been received from the SHPO. If required, the Corps will initiate consultation with the SHPO under Section 106 of the National Historic Preservation Act.

ENDANGERED SPECIES: The project will not affect any Federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs,

consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200675463, must be submitted to the office listed below on or before July 6, 2007:

Susan Moyer, Project Manager
US Army Corps of Engineers, Sacramento District
Colorado/Gunnison Basin Regulatory Office
400 Rood Avenue, Room 142
Grand Junction, Colorado 81501-2563
Email: susan.t.moyer@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Sue Moyer, (970) 243-1199, extension 14, email: susan.t.moyer@usace.army.mil.

Attachments: 5 drawings